

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAY 22 2015

KRISTOPHER GUPTON

Plaintiff,

v.

B. WRIGHT, ET AL.,

Defendant(s).

)
) Case No. 7:15CV00214
)
)
)

ORDER

) By: Hon. Glen E. Conrad
) Chief United States District Judge
)

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

Plaintiff, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. He has now submitted a "motion for class certification," stating his intention to vindicate the religious rights of a group of inmates incarcerated with him. Upon review of the record, it is now

ADJUDGED AND ORDERED

that plaintiff's motion for certification of a class (ECF No. 12) is **DENIED**. The court cannot certify a class in an action, such as this one, where a pro se litigant seeks to represent the interests of the class. Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975) ("[I]t is plain error to permit this imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action."). In such cases, the court may allow individual plaintiffs each to bring his own lawsuit on the same issue, stating his individual claims, or may appoint counsel to represent a viable class of plaintiffs. Id. Counsel is appointed to a civil plaintiff only upon a showing of exceptional circumstances, however, and plaintiff has not demonstrated the presence of such circumstances here. See United States v. \$27,000.00, 865 F. Supp 339, 340-41 (S.D.W.V. 1994).

The Clerk is directed to send a copy of this order to the plaintiff.

ENTER: This 22nd day of May, 2015.


Chief United States District Judge